



(Rev. 01/21) Complaint for Violation of Civil Rights (Prisoner)

UNITED STATES DISTRICT COURT

for the

Western District of New York

23 CV 0080 RJA

Eugene A. Todrie

Plaintiff(s)

(Write the full name of each plaintiff who is filing this complaint. If the names of all the plaintiffs cannot fit in the space above, please write "see attached" in the space and attach an additional page with the full list of names.)

-v-

NYS DOCCS C.O. M. NADIE

Defendant(s)

(Write the full name of each defendant who is being sued. If the names of all the defendants cannot fit in the space above, please write "see attached" in the space and attach an additional page with the full list of names. Do not include addresses here.)

Case No. _____

(to be filled in by the Clerk's Office)

JURY TRIAL: Yes ☒ No ☐

COMPLAINT FOR VIOLATION OF CIVIL RIGHTS

(Prisoner Complaint)

NOTICE

Federal Rules of Civil Procedure 5.2 addresses the privacy and security concerns resulting from public access to electronic court files. Under this rule, papers filed with the court should *not* contain: an individual's full social security number or full birth date; the full name of a person known to be a minor; or a complete financial account number. A filing may include *only*: the last four digits of a social security number; the year of an individual's birth; a minor's initials; and the last four digits of a financial account number.

Except as noted in this form, plaintiff need not send exhibits, affidavits, grievance or witness statements, or any other materials to the Clerk's Office with this complaint.

In order for your complaint to be filed, it must be accompanied by the filing fee or an application to proceed in forma pauperis.

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I. The Parties to This Complaint**A. The Plaintiff(s)**

Provide the information below for each plaintiff named in the complaint. Attach additional pages if needed.

Name	<u>Eugene Andrew Todie</u>		
All other names by which you have been known:	<u>Gino Todi, Justin Petrino</u>		
ID Number	<u>NYS DIN: 19A1016 NYSID: 09074365Q</u>		
Current Institution	<u>Elmira Correctional Facility P.O. Box 500</u>		
Address	<u>1879 Davis Rd</u>		
	<u>Elmira</u>	<u>NY</u>	<u>14902-0500</u>
	City	State	Zip Code

B. The Defendant(s)

Provide the information below for each defendant named in the complaint, whether the defendant is an individual, a government agency, an organization, or a corporation. Make sure that the defendant(s) listed below are identical to those contained in the above caption. For an individual defendant, include the person's job or title (*if known*) and check whether you are bringing this complaint against them in their individual capacity or official capacity, or both. Attach additional pages if needed.

Defendant No. 1

Name	<u>NYS DOCCS C.O. M. NADIE</u>		
Job or Title (<i>if known</i>)	<u>corrections officer</u>		
Shield Number			
Employer	<u>NYS DOCCS</u>		
Address	<u>1879 Davis Rd P.O. Box 500</u>		
	<u>Elmira</u>	<u>NY</u>	<u>14902-0500</u>
	City	State	Zip Code
<input checked="" type="checkbox"/> Individual capacity <input type="checkbox"/> Official capacity			

Defendant No. 2

Name	<u>N/A</u>		
Job or Title (<i>if known</i>)			
Shield Number			
Employer			
Address			
	City	State	Zip Code
<input type="checkbox"/> Individual capacity <input type="checkbox"/> Official capacity			

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Defendant No. 3

Name

Job or Title (if known)

Shield Number

Employer

Address

City

State

Zip Code

☐

Individual capacity

☐

Official capacity

Defendant No. 4

Name

Job or Title (if known)

Shield Number

Employer

Address

City

State

Zip Code

☐

Individual capacity

☐

Official capacity

II. Basis for Jurisdiction

Under 42 U.S.C. § 1983, you may sue state or local officials for the “deprivation of any rights, privileges, or immunities secured by the Constitution and [federal laws].” Under *Bivens v. Six Unknown Named Agents of Federal Bureau of Narcotics*, 403 U.S. 388 (1971), you may sue federal officials for the violation of certain constitutional rights.

A. Are you bringing suit against (check all that apply):☐Federal officials (a *Bivens* claim)☒

State or local officials (a § 1983 claim)

B. Section 1983 allows claims alleging the “deprivation of any rights, privileges, or immunities secured by the Constitution and [federal laws].” 42 U.S.C. § 1983. If you are suing under section 1983, what federal constitutional or statutory right(s) do you claim is/are being violated by state or local officials?

OBSTRUCTION OF JUSTICE / MAIL TAMPERING

C. Plaintiffs suing under *Bivens* may only recover for the violation of certain constitutional rights. If you are suing under *Bivens*, what constitutional right(s) do you claim is/are being violated by federal officials?

N/A

- D. Section 1983 allows defendants to be found liable only when they have acted "under color of any statute, ordinance, regulation, custom, or usage, of any State or Territory or the District of Columbia." 42 U.S.C. § 1983. If you are suing under section 1983, explain how each defendant acted under color of state or local law. If you are suing under *Bivens*, explain how each defendant acted under color of federal law. Attach additional pages if needed.

III. Prisoner Status *C.O. M. NADIE intercepted postage paid confidential communication to my attorney, removed what she didn't agree with. Retaliated causing infirmity visit. Then maliciously held up video court proceeding, by confiscating permitted personal property, reading page by page notes prepared for court proceeding, proceeding summarily canceled.*

Indicate whether you are a prisoner or other confined person as follows (check all that apply):

- ☐ Pretrial detainee
- ☐ Civilly committed detainee
- ☐ Immigration detainee
- ☐ Convicted and sentenced state prisoner
- ☐ Convicted and sentenced federal prisoner
- ☒ Other (explain) NYS DOCCS Parole "violation"

IV. Statement of Claim

State as briefly as possible the facts of your case. Describe how each defendant was personally involved in the alleged wrongful action, along with the dates and locations of all relevant events. You may wish to include further details such as the names of other persons involved in the events giving rise to your claims. Do not cite any cases or statutes. If more than one claim is asserted, number each claim and write a short and plain statement of each claim in a separate paragraph. Attach additional pages if needed.

- A. If the events giving rise to your claim arose outside an institution, describe where and when they arose.

N/A

- B. If the events giving rise to your claim arose in an institution, describe where and when they arose.

1/12/2023 7:00 pm to 8:30 pm Elmira C.F. Block C Tier 5 (CCTV avail.)

1/20/2023 12:30 pm to 12:43 pm Elmira C.F. Block C OFFICERS STATION (CCTV avail.)

C. What date and approximate time did the events giving rise to your claim(s) occur?

1/12/2023 1900 HRS 1/13/2023 6:40 A.M. 1/20/2023 1230 HRS

D. What are the facts underlying your claim(s)? (For example: What happened to you? Who did what? Was anyone else involved? Who else saw what happened?)

1/12/2023 C.O. M. NADIE intercepted a postage prepaid envelope, paid by Mike T. Ridge Esq. regarding NYSDOCs employees breaking my cheek bone 10/13/2021, without warrant or instruction she opened it, in the presence of CCTV on C Block Tier 5 by cell 28 and viewed by Julian James the Tier trustee. She reviewed all content, in lieu of EONY 22-cv-07960 removed what she didn't agree with, returned what remained. 1/13/2023 C.O. NADIE would not permit me to go to breakfast.

V. Injuries

SEE CONTINUATION PAGE:

If you sustained injuries related to the events alleged above, describe your injuries and state what medical treatment, if any, you required and did or did not receive.

1/13/2021 was taken to Infirmary building at E.C.F. as a direct and proximate result of C.O. M. NADIE nonfeasance/pretextual tactics directly effecting my Type II adult onset Diabetic condition. Medical staff advised me I HAVE to eat something, I was at infirmary for being starved by NADIE.

VI. Relief

State briefly what you want the court to do for you. Make no legal arguments. Do not cite any cases or statutes. If requesting money damages, include the amounts of any actual damages and/or punitive damages claimed for the acts alleged. Explain the basis for these claims.

C.O. M. NADIE must produce a warrant to verify she had permission to embark upon duties that fall out her regular mandated responsibilities. C.O. M. NADIE must explain why she destroyed privileged communications regarding her co-workers in a different dept. C.O. M. NADIE must realize she is entrusted by and funded by the People of the State of New York to ensure I don't escape, feed me and not hinder the Criminal or Civil Justice system from doing its duty. C.O. M. NADIE cannot confiscate NYSDOCs approved property unless it is to be utilized for an escape attempt or cause injury to others. C.O. M. NADIE cannot hold up Court Proceedings because she wants to be "privy" to all the details of the proceeding. She held up COURT production so long, the scheduled proceeding was canceled.

{ \$250,000 USPS tampering, \$50,000 to deter from future incidents }
{ \$10.21 for pilfered items purchased the day prior at E.C.F. Commissary }

VII. Exhaustion of Administrative Remedies Administrative Procedures

The Prison Litigation Reform Act ("PLRA"), 42 U.S.C. § 1997e(a), requires that "[n]o action shall be brought with respect to prison conditions under section 1983 of this title, or any other Federal law, by a prisoner confined in any jail, prison, or other correctional facility until such administrative remedies as are available are exhausted." *Office of special investigations - NVSDOCs contacted telephonically 2x*

Administrative remedies are also known as grievance procedures. Your case may be dismissed if you have not exhausted your administrative remedies.

A. Did your claim(s) arise while you were confined in a jail, prison, or other correctional facility?

☒ Yes

☐ No

If yes, name the jail, prison, or other correctional facility where you were confined at the time of the events giving rise to your claim(s).

Elmira C.F. (Facility 110) C Block

B. Does the jail, prison, or other correctional facility where your claim(s) arose have a grievance procedure?

☐ Yes

☐ No

☒ Do not know

Not available to "Reception" detainees. Grievance filed with IGRC, unanswered. REfiled with Superintendent, awaiting reply if grievance procedure is available

C. Does the grievance procedure at the jail, prison, or other correctional facility where your claim(s) arose cover some or all of your claims?

☐ Yes

☒ No

☐ Do not know

If yes, which claim(s)?

- D. Did you file a grievance in the jail, prison, or other correctional facility where your claim(s) arose concerning the facts relating to this complaint?

☒ Yes

☐ No

If no, did you file a grievance about the events described in this complaint at any other jail, prison, or other correctional facility?

☐ Yes

☐ No

N/A

- E. If you did file a grievance:

1. Where did you file the grievance?

C Block IGRC receptacle, then Re submitted at Counselor receptacle

2. What did you claim in your grievance?

*1) SDNY 22-cv-02758
C.O. M. NADIE is meddling in 2) EDNY 22-cv-0790 vs. NYSDOCCS*

3. What was the result, if any?

None at this time, other than retaliation

4. What steps, if any, did you take to appeal that decision? Is the grievance process completed? If not, explain why not. (Describe all efforts to appeal to the highest level of the grievance process.)

I'm to be released from NYSDOCCS 3/3/2023, will contact Albany NYSDOCCS office at that time to follow up with O.S.I. complaints submitted telephonically. This claim is a Federal offense unable to be remedied by prisoners grievance process. The crimes were committed. This matter is respectfully requested for Criminal deferat once Civil litigation is completed and CCTV is preserved with Federal Agents

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F. If you did not file a grievance:

1. If there are any reasons why you did not file a grievance, state them here:

N/A

2. If you did not file a grievance but you did inform officials of your claim, state who you informed, when and how, and their response, if any:

N/A**G. Please set forth any additional information that is relevant to the exhaustion of your administrative remedies.**

SHULMAN & HILL firm at 1 State St Plaza NYC (917 793 0637) contacted about 1/26/23
 (Note: You may attach as exhibits to this complaint any documents related to the exhaustion of your administrative remedies.) HEARING

EX A commissary receipt - original NO COPYEX B HEARING NOTICE**VIII. Previous Lawsuits**

The "three strikes rule" bars a prisoner from bringing a civil action or an appeal in federal court without paying the filing fee if that prisoner has "on three or more prior occasions, while incarcerated or detained in any facility, brought an action or appeal in a court of the United States that was dismissed on the grounds that it is frivolous, malicious, or fails to state a claim upon which relief may be granted, unless the prisoner is under imminent danger of serious physical injury." 28 U.S.C. § 1915(g).

To the best of your knowledge, have you had a case dismissed based on this "three strikes rule"?

☐ Yes

☒ No

If yes, state which court dismissed your case, when this occurred, and attach a copy of the order if possible.

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- A. Have you filed other lawsuits in state or federal court dealing with the same facts involved in this action?

☐ Yes

☒ No

- B. If your answer to A is yes, describe each lawsuit by answering questions 1 through 7 below. (If there is more than one lawsuit, describe the additional lawsuits on another page, using the same format.)

1. Parties to the previous lawsuit

Plaintiff(s)

N/A

Defendant(s)

N/A

2. Court (if federal court, name the district; if state court, name the county and State)

N/A

3. Docket or index number

N/A

4. Name of Judge assigned to your case

N/A

5. Approximate date of filing lawsuit

N/A

6. Is the case still pending?

☐ Yes

☐ No

N/A

If no, give the approximate date of disposition.

N/A

7. What was the result of the case? (For example: Was the case dismissed? Was judgment entered in your favor? Was the case appealed?)

N/A

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IX. Certification and Closing

Under Federal Rule of Civil Procedure 11, by signing below, I certify to the best of my knowledge, information, and belief that this complaint: (1) is not being presented for an improper purpose, such as to harass, cause unnecessary delay, or needlessly increase the cost of litigation; (2) is supported by existing law or by a nonfrivolous argument for extending, modifying, or reversing existing law; (3) the factual contentions have evidentiary support or, if specifically so identified, will likely have evidentiary support after a reasonable opportunity for further investigation or discovery; and (4) the complaint otherwise complies with the requirements of Rule 11.

A. For Parties Without an Attorney

I agree to provide the Clerk's Office with any changes to my address where case-related papers may be served. I understand that my failure to keep a current address on file with the Clerk's Office may result in the dismissal of my case.

Date of signing: 1/23/2023

Signature of Plaintiff

E. TODIE

Printed Name of Plaintiff

Eugene Andrew Todie

Prison Identification #

19A1016

Prison Address

Elmira C.F. Box 500 1879 Davis Rd

Elmira

City

NV

State

14902-0500

Zip Code

B. For Attorneys

Date of signing: pro se see above

Signature of Attorney

N/A

Printed Name of Attorney

Bar Number

Name of Law Firm

Address

City

State

Zip Code

Telephone Number

"Secretary" Mr. Tabbi: 716 551 8185 <friend 30 yrs +>

E-mail Address

WALLSTREETLEGALSERVICES@gmail.com

So of 11 Part (D)

My Type II Diabetic condition is maintained through diet. Unusually high metabolism plus being hyperglycemic my BSL should be consistently at or around 140. When C.O. M. NADIE would not permit me to attend breakfast 1/13/2023 at 6:40 A.M. I reported I felt "woozy" thereafter. I was escorted to the infirmary where my BSL registered 93. The medic advised me to eat something. I tried to reveal my situation; security cut the visit short. In "self preservation" mode I ate 2 jar of FLUFF. It helped but gave me diarrhea. I'm an Orthodox Jew and on the KOSHER CONTRACT meal "program". All my meals I have to sign for. 1/13/2023 is the only CONTRACT that is unsigned on file. CCTV on Tier 5 Block C (w/audio) can verify the rest. There after C.O. M. NADIE never hesitated to call me IDIOT. 1/20/2023 a Civil litigation hearing regarding events revealed in SDNY. 22-cv-02752 & EDNY 22-cv-07960 was to commence. It was scheduled for 12:30 pm. I was permitted to obtain my legal journal from cell 3 on Tier 5 in Block C at E.C.F. "Reception" and pat frisked by my escort. At the officer station of Block C C.O. M. NADIE took it upon herself to confiscate items purchased 1/19/2023, read every page of my court journal and held up the confrence via Video with SHOLMAN & HILL Firm present as my counsel; summarily the meeting with court reporters was summarily canceled.



E. POLE

1/23/2023

VERIFICATION

STATE OF NEW YORK)
COUNTY OF ELMIRA) ss.:

Eugene A. Todie, being duly sworn, deposes and says that deponent is the petitioner in the above captioned proceeding, that he has read the foregoing petition and knows the contents thereof, that the same is true to deponent's own knowledge, except as to matters therein stated upon information and belief, which matters deponent believes to be true.



Petitioner, Pro Se

Sworn to before me this

~~Day of~~ ~~202~~

~~Notary Public, State of New York~~

NOTARY NOT AVAILABLE TO E.C.F. "Reception"
misrepresented individuals

	Signature	ID#	DATE
Witness 1	<u>James M</u>	<u>22B4529</u>	<u>1/23/23</u>
Witness 2	<u>George Lopez Rodriguez</u>	<u>23B0079</u>	<u>1/23/23</u>

Fx B

ELMIRA CORRECTIONAL FACILITY

MEMORANDUM

TO: TODIE, EUGENE 19A1016 C-05-03S

FROM: IRC OFFICE

RE: Scheduled Televideo Conference
TYPE: Deposition with law firm and NYC

DATE: 1/19/23

Please be advised that you must appear in the Guidance Televideo Conference Room on
1/20/23 at 12:30 PM for a Televideo conference.

If you have necessary legal work you wish to have with you, it is your responsibility to bring it to your scheduled appearance.

cc: File

*Del. 3:06 pm
1/20/23
by wood*

Ex A

ELMIRA C.F.

01/19/23 19:16:51

19A1016 TODIE EUGENE

BUY LIMIT: 60.59

1401	GLAZED HONEY BUNS 4	0.73
1600	DUPLEX CREME COOKIE	0.85
1830	MARSHMALLOW FLUFF	1.90
3971	IRISH SPRING ORIGIN	0.71
5321	SEWING KIT	0.62
5541	PEN-BIC CRYSTAL	0.11
5601	CLEAR TAPE 1/2 "	0.82
5681	8.5 X 11 WHITE TABL	0.85
5780	ENGLISH DICTIONARY	0.70
2316	HERSHEY'S	
2	@ 0.89	1.78
2381	SNICKERS	0.95
2803	**TOP .65 OZ PACK W/	
4	@ 3.21	12.84
2811	**TOP .65 OZ MENTHOL	
6	@ 3.21	19.26
2841	**PYRAMID REGULAR K	9.62
3101	ROLLING PAPERS -CIG	1.12
3241	MINI BIC LIGHTER LI	1.05

***TOTAL 53.91

2NMD143538

I authorize the deduction
of \$- 53.91 from my
INMATE FUND Account



Signature